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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO / OAKLAND DIVISION**

JANE DOE,) Case No.: 4:22-cv-519
Plaintiff,)
v.)
STANDARD INSURANCE COMPANY,)
Defendants.)
)

Pursuant to Civil Local Rule 7-11, Plaintiff hereby moves the Court for administrative relief in the form of an order permitting her to proceed under a pseudonym. Plaintiff, who has suffered from, among other health problems, major depression and anxiety, brings this suit under the Employee Retirement Income Security Act to recover long-term disability (“LTD”) benefits due to her under a long-term disability benefit plan sponsored by her former employer and insured by the Defendant Standard Insurance Company (“STANDARD”).

1 Applying the standards set forth by the Ninth Circuit, Plaintiff's motion should be granted
 2 because (1) no prejudice to Defendant or the public will result from her anonymity, and (2)
 3 proceeding under her true name would expose Plaintiff to harassment, embarrassment and
 4 discrimination due to the necessary disclosure of highly confidential medical information
 5 including but not limited to information related to any psychiatric health problems Plaintiff may
 6 have had or currently have. To date, Plaintiff has maintained the confidentiality of her psychiatric
 7 health problems. Only limited family, friends, medical personnel, and insurers are aware of such
 8 psychiatric health problems.

9 **A. Legal Standard**

10 A party may "preserve his or her anonymity in judicial proceedings in special
 11 circumstances when the party's need for anonymity outweighs prejudice to the opposing party
 12 and the public's interest in knowing the party's identity." *Doe I thru XXIII v. Advanced Textile*
 13 *Corp.*, 214 F.3d 1058, 108 (9th Cir. 2000). In particular, nondisclosure of a party's identity is
 14 permitted where necessary "to protect a person from harassment, injury, ridicule or personal
 15 embarrassment." *Id.* (internal quotation omitted). Because a significant stigma attaches to
 16 persons with psychiatric health problems, it is necessary to shield Plaintiff's identity to protect
 17 her from fraud, harassment, ridicule or personal embarrassment. It is highly probable that
 18 Plaintiff's professional reputation would be permanently damaged due to the public disclosures
 19 of any psychiatric health problems.

20 In *Doe v. Provident Life & Acc. Ins. Co.*, 176 F.R.D. 464, 468-69 (E.D. Pa. 1997) the
 21 court granted Doe status for a plaintiff employee benefits and insurance broker filing a disability
 22 insurance case, noting that there was a "great risk that Plaintiff will be stigmatized in his
 23 professional life" if his identify were disclosed, as there was "a strong possibility that some of
 24 these attorneys will follow this case in legal publications with the result being that plaintiff's
 25 professional reputation will be permanently damaged.") See also *Doe v. Standard Ins. Co.*, 2015
 26 WL 5778566 at * 3 (D.Me. Oct. 2, 2015). There is no legitimate public interest in connecting
 27 Plaintiff's real identity with the confidential medical information that the Court must consider in

1 adjudicating her disability claim. In fact, the public interest is best served by allowing Plaintiff
 2 to litigate her claim under a pseudonym.

3 **B. Defendant Will Not Be Prejudiced**

4 Allowing Plaintiff to proceed pseudonymously will not prejudice the Defendant
 5 STANDARD, her disability insurer. Defendant can ascertain Plaintiff's identity from the
 6 complaint, which pleads Plaintiff's claim number for the purpose of allowing Defendants to
 7 identify her. (Doc. # 1 at ¶ 5). Thus, allowing Plaintiff to proceed under a fictitious name will
 8 have no effect on Defendant's ability to prepare their defense. Further, this case is a
 9 straightforward application of medical evidence to contract terms, the Defendant's character and
 10 reputation is not at issue, and thus there is no risk that Defendant will be prejudiced by
 11 anonymous attacks on its character. *Cf. Doe v. Lepley*, 185 F.R.D., 605, 607 (D. Nev. 1999).
 12 Because Defendant will know Plaintiff's identity and Plaintiff is not attacking Defendant's
 13 character or reputation, Plaintiff's legitimate interest in shielding her identity outweighs any
 14 potential prejudice to the Defendant.

15 **C. The Public Interest Will be Best Served Without Disclosure of Plaintiff's
 16 Name**

17 This is a garden variety individual dispute about an insurance claim. The public has no
 18 legitimate interest in connecting Plaintiff's real name to the extremely private medical facts that
 19 the Court will need to consider in this case. Medical privacy is a core American value protected
 20 by numerous federal and state statutes and preserving mental health privacy in particular is an
 21 important policy goal of the federal government. As noted by the Third Circuit, "[e]xamples of
 22 areas where courts have allowed pseudonyms include cases involving 'abortion, birth control,
 23 transexuality, mental illness, welfare rights of illegitimate children, AIDS, and homosexuality.'"
Doe v. Megless, 654 F.3d 404, 408 (3rd Cir. 2011)(quoting *Doe v. Borough of Morrisville*, 130
 25 F.R.D. 612, 614 (E.D.Pa.1990)); see also *Doe v. Provident Life and Acc. Ins. Co.*, 176 F.R.D.
 26 464, 468 (E.D. Pa. 1997)(stating "the public has an interest in preventing the stigmatization of

1 litigants with mental illnesses. Further, plaintiff's identity should be protected in order to avoid
 2 deterring people with mental illnesses from suing to vindicate their rights.”)

3 While the public certainly has an interest in open judicial proceedings, here, that interest
 4 is actually better served by allowing Plaintiff to proceed under a fictitious name. First, putting
 5 plaintiffs in the position of either abandoning legitimate legal claims or publicly disclosing
 6 highly confidential medical information would harm the judicial system and the rule of law as a
 7 whole because of the risk that plaintiffs with significant and private medical problems will
 8 forego their legal rights in favor of preserving their privacy. Jayne S. Ressler, *Privacy, Plaintiffs,*
 9 *and Pseudonyms: The Anonymous Doe Plaintiff in the Information Age*, 53 U. Kan. L. Rev. 195,
 10 199 (2004).

11 Second, allowing Plaintiff to proceed under a pseudonym and taking other basic
 12 measures to ensure that her name is redacted from documents filed in the public record will do
 13 away with any need to seal any of the Court’s decisions in this case, the other means by which
 14 her privacy might be protected. Sealing documents requires extensive court resources and
 15 complicates the progress of the litigation, it also deprives the public and other courts from access
 16 to the full case record, which may provide valuable information about the application of similar
 17 contractual terms to similar medical facts. Plaintiff’s real name, on the other hand, has no
 18 legitimate value to the public generally or to the courts and their personnel. By using the
 19 pseudonym, the parties will be able to openly discuss the medical evidence in the public record
 20 without compromising Plaintiff’s medical privacy. Proceeding anonymously thus actually
 21 enhances the public’s view of the legal and factual issues in this case and the court’s
 22 performance in resolving them. *Doe v. Stegall*, 653 F.2d 180, 185 (5th Cir. 1981); *see also Doe*
 23 *v. Unum Life Ins. Co. of Am.*, 2014 WL 1599919, at *2 (E.D. Pa. Apr. 18, 2014)(noting “Doe and
 24 Defendants note that Doe is not a public figure and disclosure of her identity would not promote
 25 any public interest.”)

26 Because there is no prejudice to the Defendant or the public by allowing Plaintiff to
 27 proceed under a pseudonym, and because Plaintiff has an exceptional need for privacy in light of
 28

1 the specific medical facts at issue in this case, the Court should grant Plaintiff's motion and issue
2 the summons.

3
4 Respectfully submitted,

5 Dated: January 26, 2022

6 BOLT KEENLEY KIM LLP

7 By: /s/ Brian H. Kim
8 Brian H. Kim
Attorneys for Plaintiff